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ASSEMBLY, No. 3044

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:
Assemblywoman PAMELA R. LAMPITT
District 6 (Burlington and Camden)

SYNOPSIS

Requires public institution of higher education to notify parents of certain dependent students, without prior consent of student, when student receives mental health treatment at institution.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the provision of certain information to the
2 parents of dependent students at public institutions of higher
3 education and supplementing chapter 3B of Title 18A of the New
4 Jersey Statutes.

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

9 1. a. Notwithstanding the provisions of any law, rule, or
10 regulation to the contrary, the governing board of a public
11 institution of higher education shall establish policies and
12 procedures requiring the notification of the parent of a dependent
13 student when the student receives mental health treatment at the
14 institution's student health or counseling center and the treatment
15 becomes part of the student's educational record in accordance with
16 the federal "Health Insurance Portability and Accountability Act of
17 1996," Pub.L.104-191, and may be disclosed without prior consent
18 as authorized by the federal "Family Educational Rights and
19 Privacy Act," Pub.L.93-380 (20 U.S.C. s.1232g) and related
20 regulations. The notification shall only be required if it is
21 determined that there exists a substantial likelihood that, as a result
22 of mental illness, the student will in the near future: cause serious
23 physical violence to himself or others as evidenced by recent
24 behavior or any other relevant information; or, suffer serious harm
25 due to his lack of capacity to protect himself from harm or to
26 provide for his basic human needs.

b. The notification required pursuant to subsection a. of this section may be withheld if the student's treating physician or psychologist has made as part of the student's record a written statement that, in the exercise of his professional judgment, the furnishing to or review by the parent of such health records would be reasonably likely to cause substantial harm to the student or another person.

c. A public institution of higher education or an employee of the institution who provides notification pursuant to subsection a. of this section, in good faith and without malice, shall not be liable for civil damages in any cause of action arising out of the provision of the notification.

40 2. This act shall take effect immediately.

STATEMENT

45 This bill requires the governing board of a public institution of
46 higher education to establish policies and procedures concerning the
47 notification of the parent of a dependent student when the student
48 receives mental health treatment at the institution's student health

1 or counseling center and the treatment becomes part of the student's
2 educational record in accordance with the federal Health Insurance
3 Portability and Accountability Act. Under the bill, notification will
4 only be required if it is determined that there exists a substantial
5 likelihood that, as a result of mental illness, the student will in the
6 near future: cause serious physical violence to himself or others as
7 evidenced by recent behavior or any other relevant information; or,
8 suffer serious harm due to his lack of capacity to protect himself
9 from harm or to provide for his basic human needs.

10 Under the bill, notification may be withheld if the student's
11 treating physician or psychologist determines and documents in the
12 student's record that the furnishing to or review by the parent of the
13 information would be reasonably likely to cause substantial harm to
14 the student or another person.